

TO: The Honorable Board of Supervisors

FROM: F. Craig Meadows, County Administrator  
L. Carol Edmonds, Assistant County Administrator

DATE: October 25, 2010

**SUBJECT: AGENDA REPORT**

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**I. CALL TO ORDER**

**II. INTO CLOSED MEETING**

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.2-3711

- (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body

1. AFD Advisory Board

**III. OUT OF CLOSED MEETING**

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

**IV. CERTIFICATION OF CLOSED MEETING**

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

NAYS

ABSENT DURING VOTE

ABSENT DURING MEETING

**V. INVOCATION**

**VI. PLEDGE OF ALLEGIANCE**

**VII. PRESENTATION**

**A. SUBJECT: VACO 2010 ACHIEVEMENT AWARD**

**VACo 2010 Achievement Award**

Dean Lynch, VACo representative, will present a 2010 Achievement Award from VACo, in recognition of Montgomery County for regional collaboration for its New River Valley Training Program. The County and the towns of Blacksburg and Christiansburg offer joint orientation training for new employees and joint training in other areas such as customer service and diversity in order to reduce costs and staff time involved by sharing resources.

## VIII. PUBLIC HEARINGS

### A. SUBJECT: BOARD OF SUPERVISORS

The following public hearing was advertised pursuant to law in the Current Section of the Roanoke Times section on October 10 and October 17, 2010:

1. Board of Equalization – Deadlines for Appeals

**An Ordinance providing application and disposition deadlines for appeals filed by property owners and lessee's with the Board of Equalization for the purpose of hearing complaints of inequality in the equalization of real estate assessments and/or that real estate is assessed at more than fair market value. See TAB A for a copy of the ordinance.**

The following public hearing was advertised pursuant to law in the Current Section of the Roanoke Times on July 28, 2010 and August 4, 2010 and was continued from the Board of Supervisors September 27, 2010 meeting:

2. Special Use Permit – Joseph & Elizabeth Maxwell (Agent: Rich Rosenfeld) Telecommunications Tower

**A request by Joseph & Elizabeth Maxwell (Agent: Rich Rosenfeld) for a special use permit on 25.12 acres in a General Business (GB) zoning district to allow a 199 ft. telecommunications tower.** The property is located at 1485 Harding Road, approximately 350 feet south of the intersection with Fleets Way (private), and is identified as Tax Parcel No. 041-A-60 (Acct # 012046) in the Mount Tabor Magisterial District (District A). The property currently lies in an area designated as Residential Transition in the 2025 Comprehensive Plan. See TAB B.

The following public hearing was advertised pursuant to law in the Current Section of the Roanoke Times on September 29, 2010 and October 6, 2010:

3. Rezoning Request – Bryan and Katie Katz

**Request by Bryan & Katie Katz to rezone approximately 1.653 acres from Agricultural (A-1) to Community Business (CB), with possible proffered conditions, to allow an office for bus operations with an apartment.** The property is located 3653 Peppers Ferry Road; identified as Tax Parcel No. 064-A-92, (Account No. 002869) in the Riner Magisterial District (District D). The property currently lies in an area designated as Village Expansion in the 2025 Comprehensive Plan and further described as Mixed Use within the Belview Village Plan. See TAB C.

The following public hearing was advertised pursuant to law in the Current Section of the Roanoke Times on October 8 and 15, 2010:

**4. Ordinance Amending Chapter 10, Entitled Zoning, Section 10-37- Flood Damage Prevention Overlay – CONTINUED**

**An ordinance amending Chapter 10, Entitled Zoning, Section 10-37** of the Code of the County of Montgomery, Virginia by amending the Flood Damage Prevention Overlay to modify the language of the ordinance as it relates to modification, alteration, repair, reconstruction or improvement of any kind to existing structures located in any floodplain areas to an extent or amount less than fifty (50) percent of its market value.

**At their October 20, 2010 meeting, the Planning Commission tabled this public hearing; therefore the Board of Supervisors will continued this public hearing until the November 22, 2010 meeting. See TAB D.**

**IX. PUBLIC ADDRESS**

**X. ADDENDUM**

**XI. CONSENT AGENDA**

**XII. OLD BUSINESS**

**A. SUBJECT: ORDINANCE AMENDING CHAPTER 2,  
DIVISION 5, SECTION 2-107**

**ORD-FY-11-04**

**AN ORDINANCE AMENDING CHAPTER 2, DIVISION 5, SECTION 2-107  
OF THE CODE OF THE COUNTY OF MONTGOMERY, VIRGINIA  
ENTITLED TAX EXEMPTION AND DEFERRALS FOR ELDERLY AND  
HANDICAPPED BY INCREASING THE NET COMBINED FINANCIAL WORTH AND  
THE INCOME LIMITS TO BE ELIGIBLE FOR RELIEF**

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 2, Division 5, Section 2-107 of the Code of the County of Montgomery, Virginia entitled Tax Exemption and Deferrals for Elderly and Handicapped shall be amended and reordained as follows:

**Sec. 2-107. Established; restrictions and conditions.**

(a) The board of supervisors of the county hereby provides for the exemption from or deferral of taxation of real estate, and manufactured homes as defined in Code of Virginia, § 36-85.3, or any portion thereof, owned by and occupied as the sole dwelling of a person not less than sixty-five (65) years of age, and providing the same exemption for such property of a person who is determined to be permanently and totally disabled as provided in subsection (e) of this section, subject to the following restrictions and conditions:

- (1) That the total combined income during the immediately preceding calendar year from all sources of the owners of the dwelling living therein and of the owners' relatives living in the dwelling does not exceed ~~forty thousand (40,000)~~ forty-five thousand dollars (\$45,000) provided that the first ten thousand dollars (\$10,000.00) of income of each relative other than the spouse of the owner who is living in the dwelling and the first ten thousand dollars (\$10,000.00) of income for an owner who is permanently disabled shall not be included in such total.
- (2) That the net combined financial worth, including the present value of all equitable interests, as of December thirty-first of the immediately preceding calendar year, of the owners, and of the spouse of any owner, excluding the value of the dwelling and furnishings in the dwelling including furniture, household appliances and other items typically used in a home and the land, not exceeding one (1) acre, upon which it is situated does not exceed one hundred twenty-five thousand dollars ~~(\$100,000)~~\$125,000.
- (3) That the person or persons claiming such exemption files annually no later than the first day of March of the taxable year with the commissioner of the revenue of the county, on forms to be supplied by the county, an affidavit or written statement setting forth the names of the related persons occupying such real estate; that the total combined net worth, including equitable interests, and the combined income from all sources of the person as specified in paragraph (1) of this subsection does not exceed the limits prescribed in this section. If such person is under sixty-five (65) years of age, such form shall have attached thereto a certification by the Social Security Administration, the Department of Veterans Affairs, or the Railroad Retirement Board, or if such person is not eligible for certification by any of these agencies, a sworn affidavit by two (2) medical doctors who are either licensed to practice medicine in the Commonwealth or who are military officers on active duty who practice medicine with the United States Armed Forces, to the effect that such person is permanently and totally disabled as defined in subsection (e); however, a certification pursuant to 42 U.S.C. § 4-23(d) by the Social Security Administration so long as the person remains eligible for such

Social Security benefits shall be deemed to satisfy such definition in subsection (e). The affidavit of at least one (1) of the doctors shall be based upon a physical examination of the person by such doctor. The affidavit of one of the doctors may be based upon medical information contained in the records of the Civil Service Commission which is relevant to the standards for determining permanent and total disability as defined in subsection (e). Such certification, written statement, or affidavit shall be filed after the first day of January of each year, but before the first day of April of each year, for the permanently and totally disabled, for hardship cases, and for the first time applicants. The commissioner of the revenue has the discretion to accept late filings of first time applicants or for hardship cases until the thirty-first day of December of the taxable year. The commissioner of the revenue of the county shall make any other reasonably necessary inquiry of persons seeking such exemption, requiring answers under oath to determine qualifications as specified in this section, including qualifications as permanently and totally disabled as defined in subsection (e) and qualification for the exclusion of life insurance benefits paid upon the death of an owner of a dwelling. The commissioner of the revenue of the county is hereby empowered, in addition to require the production of certified tax returns to establish the income or financial worth of any applicant for tax relief or deferral.

(b) Such exemptions may be granted for any year following the date that the qualifying individual occupying such dwelling and owning title, or partial title, thereto reaches the age of sixty-five (65) years or for any year following the date the disability occurred. Changes in respect to income, financial worth, ownership of property or other factors occurring during the taxable year for which the affidavit is filed, and having the effect of exceeding or violating the limitations and conditions provided in this section shall nullify any exemption or deferral for the remainder of the current taxable year and the taxable year immediately following. The amount of exemption of the real estate tax for qualified persons shall be determined by the following table:

<i>Annual Income (Calendar Year)</i>	<i>For Qualified Persons the Percentage of Tax Which May Be Exempted</i>
\$0.00-- <del>\$25,600</del> <u>\$28,800</u>	100%
<del>\$25,601--\$32,000</del> <u>\$28,801--\$36,000</u>	60%
<del>\$32,001--\$40,000</del> <u>\$36,001--\$45,000</u>	40%

(c) The person or persons qualifying for and claiming deferral shall be relieved of real estate tax liability levied on the qualifying dwelling and land up to an amount equal to one hundred (100) percent of this liability, the amount to be deferred to be elected by the claimant. If a deferral of real estate taxes, the

accumulated amount of taxes deferred shall be paid without penalty or interest to the county by the vendor upon the sale of the dwelling, or from the estate of the decedent within one (1) year after the death of the last owner thereof who qualified for tax deferral by the provisions of this section. Such deferred real estate taxes shall constitute a lien upon such real estate as if they had been assessed without regard to the deferral permitted by this section. Any such lien shall, to the extent that it exceeds in the aggregate ten (10) percent of the price for which such real estate may be sold, be inferior to all other liens of record.

(d) The board of supervisors of the county hereby deems those persons falling within the limits and conditions provided in subsections (a) and (b) of this section to bearing an extraordinary tax burden on the real estate described in this section in relation to their income and financial worth.

(e) For the purposes of this division, a person is permanently and totally disabled if he or she is so certified as required in paragraph (a)(3) of this section and is found by the commissioner of the revenue of the county under paragraph (a)(3) to be unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of such person's life.

This change in income limits shall be effective for the ~~2010~~ 2011 tax year and beyond unless amended.

ISSUE/PURPOSE	To amend Chapter 2, Division 5, Section 2-107 of the Code of Montgomery County, Virginia.
JUSTIFICATION:	In 2008 it was recommended to increase the income limits by increments of \$5,000 annually moving toward the state maximum of \$50,000, for the elderly and disabled as consideration of exemption or deferral of real estate taxation. This ordinance amendment would increase the income limit from \$40,000 to \$45,000 and also increases the net combined financial worth from \$100,000 to \$125,000. The change shall be effective for the 2011 tax year.

### **XIII. NEW BUSINESS**

**A. SUBJECT: RESOLUTION AUTHORIZING THE FILING  
OF A PETITION SEEKING CONCURRENT  
JURISDICTION WITH VIRGINIA TECH  
POLICE**

**R-FY-11-  
RESOLUTION AUTHORIZING THE  
FILING OF A PETITION SEEKING CONCURRENT JURISDICTION  
WITH VIRGINIA TECH POLICE**

WHEREAS, Virginia Code Section 23-234 authorizes local governing bodies to petition the Circuit Court for concurrent jurisdiction with the police officers of an institute of higher education; and

WHEREAS, The Chief of Police for the Towns of Blacksburg and Christiansburg along with the Sheriff of Montgomery County, have requested the governing bodies of their respective jurisdictions to petition the Circuit Court granting the Virginia Tech Police officers concurrent jurisdiction within the two Towns and the unincorporated area of Montgomery County; and

WHEREAS, The Virginia Tech Vice President for Administrative Services and the Virginia Tech Chief of Police concur with seeking concurrent jurisdiction.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby agrees with the County of Montgomery requesting the Circuit Court to grant concurrent jurisdiction with the Virginia Tech Police Officers as authorized by Virginia Code §23-234 and as specifically authorized in the Petition and Order Establishing Concurrent Jurisdiction which is hereby attached and made a part of this Resolution; and

BE IT FURTHER RESOLVED, That the County Attorney is hereby authorized to file with the Circuit Court the attached Petition and Order Establishing Concurrent Jurisdiction on behalf of the Board of Supervisors of the County of Montgomery, Virginia.

**ISSUE/PURPOSE:** Resolution authorizing Montgomery County requesting the Circuit Court to grant concurrent jurisdiction with the Virginia Tech Police Officers

**JUSTIFICATION:** See TAB **F** for a copy of the Petition and Order Establishing Concurrent Jurisdiction.



**B. SUBJECT: MEMORANDUM OF UNDERSTANDING –  
911 AUTHORITY**

**R-FY-11-  
RESOLUTION SUPPORTING THE FORMATION OF  
NEW RIVER VALLEY EMERGENCY COMMUNICATION REGIONAL AUTHORITY  
AND THE APPROVAL OF THE MEMORANDUM OF UNDERSTANDING  
REGARDING THE FORMATION OF THE AUTHORITY**

WHEREAS, The County of Montgomery has participated in and has been a party to numerous regional 9-1-1 emergency communications consolidation feasibility studies in order to determine whether it is technically, practically and economically feasible to establish a regional 9-1-1 emergency center and a radio system serving all jurisdictions within the County of Montgomery and Virginia Polytechnic Institute and State University; and

WHEREAS, Based on these studies, the Board of Supervisors has determined that participation in a regional 9-1-1 Authority with the Town of Blacksburg, the Town of Christiansburg and Virginia Polytechnic Institute and State University is the best means to provide a responsive and efficient means of handling 9-1-1 emergency communications within the County; and

WHEREAS, The Virginia General Assembly enacted the New River Valley Emergency Communications Regional Authority Act, effective July 1, 2010 (“the Act”), enabling the County of Montgomery, the Town of Blacksburg, the Town of Christiansburg and Virginia Polytechnic Institute and State University to form a regional authority to provide the core responsibilities for governance of a consolidated public safety communication center with regional interoperable communication; and

WHEREAS, Before the Regional Authority may be created, the Act requires the governing bodies of the Town of Blacksburg and the Town of Christiansburg and the County of Montgomery and the Board of Visitors for Virginia Polytechnic Institute and State University, by Resolution, to support the formation of a regional authority to provide 911 dispatch and emergency communications service to the people of each jurisdiction and campus and to approve a memorandum of understanding by and among each of the participating political subdivisions setting forth the terms and conditions of the intended formation of the Authority; and

WHEREAS, The Board of Supervisors of the County of Montgomery, Virginia, supports the formation of a regional authority to provide 911 dispatch and emergency communication services for the people of Montgomery County and approve the proposed Memorandum of Understanding regarding the formation of the New River Valley Emergency Communication Regional Authority dated October 25, 2010 by and between the County of Montgomery, Virginia, the Towns of Blacksburg and Christiansburg, Virginia, and Virginia Polytechnic Institute and State University.

BE IT FURTHER RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby approves the proposed Memorandum of Understanding regarding the formation of the New River Valley Emergency Communication Regional Authority by and between the County of Montgomery, Virginia, the Towns of Blacksburg and Christiansburg, Virginia and Virginia Polytechnic Institute and State University and authorizes F. Craig Meadows, County Administrator, to execute the said Memorandum of Understanding on behalf of the County of Montgomery, Virginia.

JUSTIFICATION: TAB G includes a copy of the Memorandum of Understanding regarding the Formation of the New River Valley Emergency Communication Regional Authority.

**R-FY-11-  
MEMORANDUM OF UNDERSTANDING  
PROVISION OF VIDEOTAPING SERVICES FOR  
CHRISTIANSBURG TOWN COUNCIL MEETINGS**

October 25, 2010  
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WHEREAS, The County of Montgomery has the available needed video camera equipment and expertise to videotape the meetings of Town Council; and

WHEREAS, The Town of Christiansburg agrees to pay the County for the services of one videographer employed by the County of Montgomery for the purpose of videotaping the meetings of Town Council at a cost of \$35 hourly and at a total cost expected not to exceed \$4,200 annually; and

WHEREAS, The videographer shall remain an employee of the County and shall report and work under the general supervision of Montgomery County; and

WHEREAS, The Memorandum of Understanding is for a term not to exceed 12 months unless extended by mutual agreement by the Town of Christiansburg and the County of Montgomery if the need for videographer services cause payments to exceed \$4,200 within the 12-month period, the MOU may be amended to reflect a new projected annual cost, subject to approval by both entities.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Board hereby approves the Memorandum of Understanding between the County of Montgomery and the Town of Christiansburg for the purpose of establishing a cooperative agreement between the Town of Christiansburg and Montgomery County for the County to provide videotaping services for Christiansburg Town Council meetings.

BE IT FURTHER RESOLVED, The Board of Supervisors hereby authorizes F. Craig Meadows, County Administrator, to execute a Memorandum of Understanding on behalf of the Board of Supervisors.

ISSUE/PURPOSE: Approval of MOU to provide videotaping services for Christiansburg Town Council meetings.

JUSTIFICATION: The Town of Christiansburg intends to rebroadcast Town Council meetings on-demand via the web and pursue the acquisition of a local government cable channel to serve Christiansburg. The Town and the County would like to start the groundwork for the sharing of television and web programming of mutual interest to county and town residents. Please see TAB **H** for a copy of the MOU.

**D. SUBJECT: LEGISLATIVE PRIORITIES FOR 2011**

**R-FY-11-  
MONTGOMERY COUNTY LEGISLATIVE  
PRIORITIES FOR 2011**

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby adopts their 2011 legislative priorities which include:

- ***State Budget Cuts*** Montgomery County requests that the General Assembly restore the funding reductions to public education and public safety.
- ***Unfunded Mandates*** Montgomery County continues to oppose unfunded mandates from the state or federal government. As state revenue is reduced, state mandates should also be reduced in the same proportion.
- ***Income Taxes or Other Revenue Sources to Support Local Services*** Montgomery County supports legislation to distribute a percentage of individual income tax revenues to localities, the authority to levy a local income tax, or be provided with other sources to generate revenue locally.
- ***Equal Taxing Authority*** Montgomery County supports legislation to eliminate the distinction in the taxing authority of Virginia's cities and counties.
- ***Schools*** Montgomery County supports full funding of Standards of Quality (SOQ) so that a redistribution of existing state aid among jurisdictions does not occur without an increase of state funds. Montgomery County supports state funding allocated for teacher pay raises based on actual positions, not just positions recognized in the SOQ. Montgomery County supports "cost for competing Add-on" funding for all Virginia School Districts.
- ***Comprehensive Services Act (CSA)*** Montgomery County supports full state funding for 100% of the administrative costs of CSA, state vendor contracts for residential and treatment foster care services paid through CSA and increased state matching share for other CSA costs.
- ***Water and Sewer Availability Fees*** Montgomery County supports legislation that would grant counties the authority to enact water and sewer availability fees, and mandatory water and sewer connection powers.
- ***Voting Machines*** Montgomery County supports full state funding for 100% of the cost of providing optical scan voting machines as required by the General Assembly Section 24.2-626 of the Code of Virginia, as amended.

- *Authority to Exempt Real Property from Taxation* **Montgomery County requests the General Assembly to authorize localities to exempt from taxation up to \$50,000 in real property value for residential homeowners. With this authority, localities would have an option to design local programs offering tax relief to homeowners on assessed value up to \$50,000 for one primary residence. Included would be single family homes, individually owned town houses, mobile homes on individual lots, modular units and double wide mobile homes. Commercial, industrial and rental properties would be excluded. The intent is to provide localities the option of offering such a program but not mandate that localities offer such a relief program.**
- *Processing and Marketing of Industrial Hemp* **Montgomery County supports efforts by all levels of government to allow cultivation, processing and marketing of industrial hemp. Research into the viability and economic potential of industrial hemp is currently discouraged by strict restrictions and regulations. By removing these obstacles, industrial hemp production could provide a source of income and livelihood to farmers who are struggling and workers who have lost their jobs during these dire economic times.**
- *Requirement to Receive Unemployment Compensation Following the Initial 26 Week Benefit Period* **Montgomery County supports legislation to require part-time volunteer work at charitable, religious, cultural, or other non-profit institutions in order to receive unemployment compensation following the initial 26-week benefit period.**
- *State Aid to Library System* **Montgomery County requests that there be no new cuts in state aid to the library system.**
- *Request to Declare Spice and Synthetic Cannabinoids to Be Illegal* **Montgomery County requests that the General Assembly adopt legislation declaring “spice” and synthetic cannabinoids to be illegal and to be a controlled substance under Title 18.2 of the Code of Virginia.**

ISSUE/PURPOSE: To adopt Montgomery County’s legislative priorities for 2011.

JUSTIFICATION: The County’s legislative priorities must be submitted to VACo for inclusion in the VACo legislative packet before the annual conference held November 7-9. The first eight items on the list were included in last year’s priorities. The remaining five items listed in bold and italics are new additions and were submitted as requests to be included in the County’s legislative priority list.

See TAB **I** for a copy of a letter from the Roanoke County Board of Supervisors' requesting Montgomery County Board of Supervisors support in requesting the General Assembly to declare "Spice" and synthetic cannabinoids illegal in Virginia.

**XIV. COUNTY ATTORNEY'S REPORT**

**XV. COUNTY ADMINISTRATOR'S REPORT**

**XVI. BOARD MEMBERS' REPORT**

1. Supervisor Marrs
2. Supervisor Biggs
3. Supervisor Politis
4. Supervisor Muffo
5. Supervisor Creed
6. Supervisor Brown
7. Supervisor Perkins

**XVII. OTHER BUSINESS**

**XVIII. ADJOURNMENT**

**FUTURE MEETINGS**

**Special Meeting**

FY 2011-2012 Budget Work Session

**Monday, November 1, 2010**

5:00 p.m.

**Special Meeting**

Joint meeting with School Board

**Tuesday, November 9, 2010**

6:00 p.m. Dinner

7:00 p.m. Meeting

Regular Meeting  
**Wednesday, November 10, 2010**  
6:00 p.m. – Closed Meeting Items  
7:15 p.m. Regular Agenda

Adjourned Meeting  
Monday, November 22, 2010  
5:30 p.m. – Tentative Joint Meeting with Planning Commission  
7:15 p.m. Regular Agenda

Regular Meeting  
Monday, December 13, 2010  
6:00 p.m. – Closed Meeting Items  
7:15 p.m. Regular Agenda